

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent No.: 7,185,759

Date: March 6, 2007

RECEIVED

Application No.: 10/775,009

Filing Date: February 9, 2004

OCT 15 2010

Inventor: Ronald Rich

OFFICE OF PETITIONS

Title: ROTATING TOILET TOOL HOLDER

Docket No.: 16-595

10/13/2010 MBANGURA 00000010 200090 7185759

01 FC:1599 490.00 DA

MAINTENANCE FEE BRANCH
OFFICE OF FINANCE
571-273-6500

NOTIFICATION OF ERROR IN PAYMENT OF SMALL ENTITY FEE
FOR U.S. PAT. NO. 7,185,759

Dear Sir or Madam:

U.S. Patent No. 7,185,759 (hereinafter "the '759 patent") issued on March 6, 2007. The assignee of record of the '759 patent is Waxman Consumer Products Group Inc. (hereinafter "Waxman").

At the time the '759 patent was filed and through the time of issuance of the '759 patent, Waxman was a small entity, as the total number of employees, including all affiliates, subsidiaries and related companies under the control of Waxman was less than 500 employees. Thus, small entity status was claimed upon filing of the application that matured into the '759 patent and all Patent Office fees associated with the '759 patent were properly paid under small entity status.

On or about April 1, 2008, Waxman was no longer entitled to small entity status. The 4th year maintenance fee for the '759 patent was due for payment on or before September 6, 2010. The 4th year maintenance fee for the '759 patent should have been paid under large entity status but inadvertently and without deceptive intent was incorrectly paid under small entity status.

ADJUSTMENT DATE: 01/13/2011 CKHLOK
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01/13/2011 CKHLOK 00000019 200090 7185759

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from deposit account number 20-0090. Please charge any additional fees or credit any overpayments to deposit account number 20-0090.

If any fees additional fees are determined to be due in connection with filing this document or any other document required to be filed during the remaining term of the '759 patent, the Commissioner is authorized to charge those fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this document or any document filed during the remaining term of the '759 patent, such petition for extension of time is hereby made and is respectfully requested.

Respectfully submitted,

Date: 10/7/2010



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A true and correct copy of the fax transmittal confirmation showing receipt of the faxed, executed Notification is attached hereto as Exhibit A2.

6. For reasons that are not clear, the executed Notification, although received by the Office on August 2, 2010, apparently was not acted upon by the Office. Thus, the entity status of the '759 patent was not changed from small entity to large entity. On or about September 6, 2010, the 4th year maintenance fee for the '759 patent was incorrectly and inadvertently paid by CPI under small entity status. This payment of the '759 patent 4th year maintenance fee as a small entity was inadvertent and without deceptive intent.

7. The following is an itemization of the payment made and the deficiency owed for the '759 patent since the change to large entity status on April 1, 2008. Also calculated is the total deficiency owed for the '759 patent at present, according to the January 12, 2009 fee schedule, resulting from the change to large entity status:

<u>Date</u>	<u>Description</u>	<u>Paid</u>	<u>Actually Owed</u>
September 6, 2010	4th Year Maintenance Fee	\$490	\$980
Total deficiency owed: <u>\$620.00</u> (which includes \$130.00 for payment during the sixth month grace period).			

8. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent and was inadvertent.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge